REMARKS

Claims 1-3 and 5-39 are pending with this paper. Claims 12-35, 37, and 38 have been withdrawn from consideration. Claims 1-3, 5-11, and 36 stand rejected by the Office Action. The Applicants have amended claims 1 and 10 and are adding claim 39 in this paper.

The Office Action alleges that claims 1-3, 5-11, and 36 are rejected under 35 U.S.C. § 102(e) as being anticipated by Suzuki et al. in view of Quartararo. The Applicants believe that the Office Action is alleging that the above-mentioned claims are unpatentable over Suzuki in view of Quartararo under 35 U.S.C. §103(a). The Applicants are responding in accordance with this understanding.

Claim Rejections – 35 U.S.C. § 112

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

The Office Action alleges that the reference to "(b)" is unclear in claim 10. In order to clarify what is being claimed, the Applicants have amended claim 10 to include "wherein (b) comprises identifying an owner of the first article of clothing **and associating the owner with the set of rules.**" The amendment clarifies the reference to "(b)". The Applicants request reconsideration of claim 10.

Claim Rejections – 35 U.S.C. § 103

Claims 1-3, 5, 6, 9, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,930,769 (Rose) in view of US 5,785,181 (Quartararo).

In order to better clarify what is being claimed, the Applicants are amending claim 1 to include the feature of "transmitting the identification of the first article of clothing, the search

request and the identification of the set of rules to a rules engine, wherein **the identification of the set of rules identifies one of a plurality of sets of rules.**" (Emphasis added.) The amendment is supported by the specification as originally filed, e.g., Paragraph 39.

The Office Action alleges that Rose discloses (Page 2.):

> transmitting the identification of the first article of clothing, the search request and the identification of the set of rules to a rules engine (Fig. 5 illustrates the result of such a transmission which occurs once the user inputs)

In fig. 5, Rose merely discloses an analysis in which fashion shapes (corresponding to elements 50 and 52) are determined as a function of the body type (corresponding to "variable") of a customer. However, Rose fails to disclose a plurality of sets of rules and thus fails to even suggest identifying one of a plurality of sets of rules. Thus, claim 1 is patentable because the combination of Rose and Quartararo does <u>not</u> even suggest the feature of "transmitting the identification of the first article of clothing, the search request and the identification of the set of rules to a rules engine, wherein the identification of the set of rules identifies one of a plurality of sets of rules."

Claims 2-3, 5, 6, 9, 10, and 11 ultimately depend from claim 1 and are patentable for at least the above reasons. The Applicants request reconsideration of claims 1-3, 5, 6, 9, 10, and 11.

Claims 1-3, 5-11, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,313,745 (Suzuki) in view of Quartararo.

The Office Action alleges that (Page 4):

> transmitting the identification of the first article of clothing, the search request and the identification of the set of rules to a rules engine (RF tag transmits the item taken into fitting room and identifies rules based upon PLU table)

In fig. 5 as described in column 6, lines 56-59, Suzuki merely discloses product ID 48 being transmitted to AR engine 40. AR engine 40 takes product ID 48 and searches PLU table 180 for information about each of the identified products. However, Suzuki fails to disclose transmitting

an identification to a search engine (e.g., AR engine 40) that identifies one of a plurality of sets of rules. Thus, claim 1 is patentable because the combination of Suzuki and Quartararo does not even suggest the feature of "transmitting the identification of the first article of clothing, the search request and the identification of the set of rules **to a rules engine**, wherein the identification of the set of rules identifies one of a plurality of sets of rules." (Emphasis added.) Moreover, claims 2-3, 5-11, and 36 depend from claim 1 and are patentable for at least the above reasons. The Applicants request reconsideration of claims 1-3, 5-11, and 36.

Conclusions

The Applicants are adding claim 39. Claim 39 is supported by the specification as originally filed, e.g., Paragraph 36. As discussed in the paper filed by the Applicants on March 30, 2005, the plain meaning of "embed" is "To fix firmly in a surrounding mass", "To enclose in a matrix", or "To make an integral part of." (The American Heritage Dictionary, Second College Edition, Houghton Mifflin Company.) For example, a tag may be embedded in clothing if the tag were woven in the material of the clothing so that the tag is integral to the clothing. Weaving a tag in the material rather than attaching a tag to the clothing is advantageous because the tag is non-obtrusive to a buyer of the clothing. Also, weaving the tag in the material rather than enclosing the tag within a sealed compartment of the clothing is advantageous because the associated manufacturing operation is circumvented, thus reducing manufacturing costs.

It is respectively submitted that the present application is in condition for allowance. and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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